

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

-----X
SPERRY FEDERAL ASSOCIATES CREDIT
UNION,

Plaintiff,

-against-

CUMIS INSURANCE SOCIETY, INC.

Defendant.
-----X

Civil Action No.: 10-CV-00029
(DBD) (MAS)

DECLARATION OF
ARTHUR H. AIZLEY

DOCUMENT
ELECTRONICALLY FILED

ARTHUR H. AIZLEY, pursuant to 28 U.S.C. §1746(2), declares under penalty of perjury that the following is true:

1. I am an associate of the firm of Sedgwick, Detert, Moran & Arnold LLP, attorneys for the defendant Cumis Insurance Society, Inc. in the above matter. As such, I am fully familiar with the facts and circumstances in this matter.

2. I submit this declaration in support of Cumis's Motion to Dismiss or Stay on Abstention Grounds.

3. Attached hereton as Exhibit "A" is a true and correct copy of the Summons and Complaint for this action, captioned Sperry Associates Federal Credit Union v. Cumis Insurance Society, Inc., 10-CV-00029, filed in the District of New Jersey.

4. In the tolling agreement executed between CUMIS and Suffolk, CUMIS made no representations about whether litigation had previously been filed regarding Suffolk's claim. The tolling agreement provided that the parties would "take no further actions to pursue or adjudicate coverage".

5. Attached hereto as Exhibit "B" is a true and correct copy of a Summons and Proof of Service for the action captioned Cumis Insurance Society, Inc. v. TCT Federal Credit Union, Case No. 09CV4343 in the Circuit Court of Dane County Wisconsin.

Dated: New York, New York
April 26, 2010

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Arthur H. Aizley
ARTHUR H. AIZLEY